

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed September 11, 2006 (“Office Action”). At the time of the Office Action, Claims 1-49 were pending in this Application and Claims 50-68 were withdrawn. The Examiner rejects Claims 1-49. Applicants respectfully request reconsideration of the pending claims and favorable action in this case.

Section 103 Rejections

The Examiner rejects Claims 1-12 and 48-49 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,418,419 issued to Nieboer et al. (“*Nieboer*”) in view of U.S. Patent No. 6,243,688 issued to Kalina (“*Kalina*”). Applicants respectfully submit that *Nieboer* and *Kalina*, alone and in combination, fail to disclose, teach, or suggest, either expressly or inherently, each and every element of Claim 1. For example, *Nieboer* fails to disclose, teach, or suggest “an identifier that identifies a customer relative to an ownership position in a company.” Instead, *Nieboer* discloses providing “descriptive information about the security which is being monitored on the Trade Book . . . This information is displayed to insure that the user is monitoring or trading the correct security.” Col. 11, ll. 2-3, 7-9. As another example, *Nieboer* fails to disclose, teach, or suggest “the response including the identifier for the server system to locate additional information on the customer and to associate the economic activity with the customer for determining entitlement of ownership of stocks in the company,” as recited in Claim 1. Instead, *Nieboer* only discloses providing a response to a client request. Col. 5, ll. 15-62. *Nieboer* does not disclose the response “including the identifier for the server system to locate additional information on the customer and to associate the economic activity with the customer for determining entitlement of ownership of stocks in the company.” *Kalina* does not account for this deficiency, and the Examiner does not make any assertions to the contrary.

As yet another example, *Kalina* does not disclose “the economic transaction comprises a purchasing or ordering of goods or services from the company, one or more economic transactions representing economic activity” and associating “the economic

activity with the customer for determining entitlement of ownership of stocks in the company.” In fact, *Kalina* teaches away from this limitation by disclosing that “purchase credit awards resulting from a financial transaction . . . [are] exchanged into an ownership interest in an investment vehicle” and the credit awards are “based upon a wide range of financial transactions with a variety of third parties, not limited to purchases from vendors.” Col. 6, ll. 61-64; col. 3, ll. 48-50. Claim 1 recites that “the economic transaction comprises a purchasing or ordering of goods or services from the company . . . for determining entitlement of ownership of stocks in the company.” The Examiner agrees that *Nieboer* does not disclose this limitation. *Office Action*, p. 3.

Because *Nieboer* and *Kalina*, alone and in combination, fail to disclose, teach, or suggest each element of Claim 1, Applicants respectfully request reconsideration and allowance of independent Claim 1 and its dependents.

The Examiner also rejects Claims 13-47 under 35 U.S.C. §103(a) as being unpatentable over *Nieboer* in view of *Kalina* and “Basic Financial Management,” by John D. Martin, 5th Edition, Prentice Hall Inc., ISBN 0-13-060807-6 (hereinafter “*Martin*”). Applicants respectfully submit that *Nieboer* in view of *Kalina* and *Martin*, alone and in combination, do not disclose, teach, or suggest, either expressly or inherently, each and every element of Claim 13. For example, the references do not disclose “the economic transaction comprises a purchasing or ordering of goods or services from the company, one or more economic transactions representing economic activity; . . . and determine, according to a level of the economic activity, that the individual is entitled to convert a first form of ownership in the company to a second form of ownership.” As discussed above, *Kalina* teaches away from this limitation by disclosing “purchase credit awards resulting from a financial transaction . . . [are] exchanged into an ownership interest in an investment vehicle” and the credit awards are “based upon a wide range of financial transactions with a variety of third parties, not limited to purchases from vendors.” Col. 6, ll. 61-64; col. 3, ll. 48-50. Therefore, *Kalina* does not disclose, teach, or suggest “the economic transaction comprises a purchasing or ordering of goods or services from the company, one or more economic transactions representing economic activity; . . . and determine, according to a level of the economic activity, that the individual is entitled to convert a first form of ownership in the company to a

second form of ownership.” For at least the reasons discussed with reference to Claim 1, the combination of *Niebor* and *Kalina* does not disclose, teach, or suggest each and every element of Claim 13. The addition of *Martin* to the rejection does not help the Examiner’s position. Furthermore, it is improper for an Examiner to use hindsight having read the Applicants’ disclosure to arrive at an obviousness rejection. *In re Fine*, 837 F.2d 1071, 1075, 5 U.S.P.Q.2d 1596, 1600 (Fed. Cir. 1988). It is improper to use the claimed invention as an instruction manual or template to piece together the teachings of the cited references to render a claimed invention obvious. *In re Fritch*, 972 F.2d 1260, 23 U.S.P.Q.2d 1780 (Fed. Cir. 1992). For example, the Examiner relies on three references to reject Claim 13. Therefore, *Nieboer*, *Kalina*, and *Martin*, alone and in combination, fail to disclose, teach, or suggest each limitation recited in Applicants’ Claim 13. Accordingly, Applicants respectfully request reconsideration and allowance of independent Claim 13 and its dependents.

Claims 24 and 33 each recite certain limitations that for reasons substantially similar to those discussed with reference to Claims 1 and 13, the combination of *Nieboer*, *Kalina*, and *Martin* do not disclose, teach, or suggest. Therefore, Applicants respectfully request reconsideration and allowance of independent Claims 24 and 33 together with their dependents.

Withdrawn Claims

As presented in the arguments in the response filed on June 6, 2006, Applicants respectfully traverse the Examiner’s position regarding the withdrawal of Claims 50-68. However, to advance prosecution of this Application, Applicants withdraw Claims 50-68.

CONCLUSION

Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for all other reasons clear and apparent, Applicants respectfully request reconsideration and allowance of the pending claims.

Applicants believe no fees are due; however, the Commissioner is hereby authorized to charge any additional fees or credit any overpayment to Deposit Account No. 50-2148 of Baker Botts, L.L.P.

If there are matters that can be discussed by telephone to advance prosecution of this application, Applicants invite the Examiner to contact its attorney, Barton E. Showalter, at (214) 953-6509.

Respectfully submitted,
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Date: Dec 11, 2006

SEND CORRESPONDENCE TO:

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